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RELIGIOUS ASSOCIATIONS AND THE FRENCH GOVERNMENT.

BY THE ABBÉ FELIX KLEIN, PROFESSOR IN THE CATHOLIC UNIVERSITY OF PARIS.

I.

Not only once, nor twenty times, but a hundred times during a recent trip in the United States, was the writer of these lines questioned about the politico-clerical agitation which for some years, with daily increasing and disquieting rapidity, has been troubling his native country, France. Americans, who are citizens of a free and tolerant country, are astonished that a great nation of Europe can still be absorbed in quarrels of such a nature. They cannot understand how a republican government in the twentieth century should put outside the pale of common law a whole category of people because of their way of comprehending life or of practising religion. They naturally ask how much truth there is in the news the telegraph brings of a systematic course of pursuits,—not to say persecutions,—undertaken by that government; and perhaps they would be disinclined to believe such news if, from time to time, they did not actually see members of Religious Orders of both sexes landing on their free shores, in quest of an asylum, of a means of livelihood.

In treating this subject, I am therefore certain of dealing with preoccupations that already exist in the minds of American readers; and they may be equally certain that my character of priest will not prevent me from writing in a spirit of perfect loyalty and independence. If, for love of liberty and justice, I happen to blame the government, it will not be because of any hostility on my part to the Republic, on whose side I have always declared myself; if I happen to speak in favor of the Religious Associations, it will not be because of any solidarity with them,

since my ideas have often been in conflict with the ideas expressed by some of their most powerful representatives,—the Jesuits; and since, also, at the very moment of writing this article, I am being attacked, in a reactionary paper, by a Religious, well known in the United States as the author of an extravagant pamphlet against the Paulist Fathers, Cardinal Gibbons, and Archbishops Ireland and Keane. Besides, in mentioning these details, I have no wish to furnish an additional pretext for the opinion that the secular clergy in France dislike the Religious Associations and refuse to recognize the great good they do. That such is not the case needs, as proof, but the statement of the following fact: When the Associations applied for their legal authorizations, out of eighty Bishops in France, seventy-five signed a petition to Parliament in their favor, collectively, four signed individually, and one, only, abstained. Therefore, out of eighty Bishops, seventy-nine were favorable; and the clergy think as do their chiefs.

But the question is not as to whether one likes the Associations, or not. I will go even farther and I will say that the question is not whether a small number of them may have contributed to the mistakes made by those French Catholics who formerly opposed the establishment of the Republic, and who on a certain notorious occasion, recently, gave proof of great intolerance. The question is: Have the elementary rights belonging to every citizen of a civilized country been violated, or not, in their case? Is the law that was made against them just or unjust? And was the law, when it had been passed, applied unjustly, illiberally, contrarily even to the intentions and public promises of its authors? This is what must be examined, and what we shall now examine.

II.

The law dealing with Associations generally, which was promulgated on the 2nd of July, 1901, contains two parts very different from each other. By the first part, all French citizens have the right to “associate together freely without authorization or previous notice given.” I may say here that, since the time of Napoleon I., all such matters had depended on Article 291 of the Penal Code, which says: “No association of more than twenty persons, whose aim is to meet together every day, or on certain fixed days, to treat of matters religious, literary, political or other, can be formed except with the consent of the government, and

under conditions which the public authorities may be pleased to impose on the society." Such is the liberty France has had to be content with for one whole century!

The second part of the law of 1901, so liberal as regards the average citizen, is more tyrannical even than the Napoleonic Code where Religious Associations are concerned. Such Associations cannot be formed "without authorization given by a law determining the conditions under which they operate," and, supposing that they have obtained such authorization, "they cannot found any new establishment except by virtue of a decree given in the *Conseil d'État*." But there is something more. These establishments, every one of which has had to be authorized in the *Conseil d'État*,—each Congregation has had to be authorized as a whole by a special law—are always at the mercy of the Executive! The text of the law here merits attention: "the dissolution of a Congregation, or the closing of any Establishment, may be pronounced by decree given in the Council of Ministers." Can Americans understand that an institution authorized by a law of Congress may be suppressed at the will of the Cabinet?

What steps is it incumbent on a new Congregation to take in order to obtain proper authorization? It must previously submit to, and afterwards always hold at the disposal of, the public officers an exact account of its income and expenses, an exact statement of the value of all its property, whether personal or real; the name, age, occupation past and present, of each one of its members, with a complete record of his history. And, even after all this, it is by no means a certainty that the authorization will be granted. Should it take upon itself to become a constituted body without proper authorization, every member may incur a fine up to 5,000 francs and be sent to prison for a period up to one year. The same penalties may be exacted from any person that lets out a room, a hall, a workshop to any member of a Congregation; and these penalties may be doubled in the case of a Founder or Director.

Are the conditions better of Congregations that were in existence before this law was passed? Although, for many years, these have had treaties with cities, or with the state, for schools, colleges, asylums, hospitals, and all sorts of public establishments, henceforward they are to be considered as non-existing, and they are obliged to take all the steps described above. If, notwithstanding

this, authorization is refused them, they are "dissolved by the very fact, and the liquidation of their property shall take place by public process." That is to say, all their property will be disposed of by forced sale; and if, after the expenses of liquidation have been paid, and after provision has been made for the maintenance of former works of charity, if then, by chance, there should remain anything over, the government *may* give whatever it considers proper to whichever member of the Congregation it considers worthy.

There remains one more point to examine. What will become of a member of a Congregation which has not received authorization? The answer to this question is very simple: he must starve, beg or emigrate. For he is prohibited from doing, even by himself, the only things for which he has either taste or ability. The greater part of Religious, whether men or women, are teachers; and, according to Article 14 of the new law, "no one shall be allowed to direct an establishment for teaching, nor shall any one be allowed to give instruction in it, if he or she belong to an unauthorized Religious Congregation." Any one transgressing this law shall be punished by fines and imprisonment as above; "and the establishment may be closed by virtue of the same judgment." Remark this word "*may*"; in many cases the law itself leaves the government absolutely free to act as it pleases. To-day, in France, one constantly comes into contact with such anomalies as this: of two schools, established and existing under identically the same conditions, one is for the moment tolerated, and the other is closed, especially if any local rancor or vengeance may be served by closing it. In the latter case, the Religious, if a priest, can no longer preach or perform any ecclesiastical function; and the secular priest who invites him to preach is punished by the government.

III.

Such is the severity of the law against the Congregations. But the manner in which it is enforced, even more than its text, will astonish readers who have the good fortune to belong to a free country. This law has been applied with so much vigor, so much arbitrariness and, I may say, with so much illegality, that its principal author, M. Waldeck-Rousseau himself, has been obliged, on two occasions, in June and in November, 1903, to declare in full Senate that the law has been completely warped. On the lat-

ter occasion, he gave battle to the Combes Ministry and was defeated by a majority of eleven votes, so powerless was he to arrest the blind forces he had himself unchained. In consequence of this, M. Waldeck-Rousseau, discouraged and disgusted, is retiring, at least for a time, from public life.

The first step taken by M. Combes beyond the limits of the law, was the closing of numerous schools directed by Congregations *duly authorized*. This act on his part was absolutely in opposition to the declarations made, during the discussion of the law, by M. Waldeck-Rousseau, who, as Prime Minister, stated most emphatically in the Chamber of Deputies that this law would in no way affect Free Schools. Six months later, January 27th, 1902, the *Conseil d'État*, on the contrary, declared that an authorization was necessary every time a Religious, even if authorized and acting alone, wished to open a *new* establishment. Again, six months later, M. Combes, who had become Premier, decreed that schools founded without authorization *previously to the passing of the law* by an authorized Congregation, were in an irregular state; and he closed three thousand of them. It was because of this, and not for any other reason, that the peasants of Brittany and of Savoy attempted a revolt in July, 1902. Those persons who from afar blamed their conduct severely, were not aware, perhaps, that these same arbitrary acts provoked protestations in many other quarters. A former Prime Minister, an avowed Radical, M. René Goblet, wrote concerning this matter, and at this time, as follows:

"I persist in thinking that a régime of real liberty, joined to an exact application of the school laws, would be infinitely more serviceable to the cause of the Republic than a system of coercion (I refrain from saying persecution), which is as irritating as it is useless, and on which, I see with regret, that the Republican party is entering."

And M. Gabriel Monod, the celebrated Protestant historian, wrote to M. Viollet, member of the Institute, and President of the Catholic Dreyfus Committee (for there were a certain number of Catholics on Dreyfus's side):

"The government has taken several contradictory measures that have bewildered its supporters; and it has stirred up throughout France an agitation of which it is impossible to foresee all the consequences. Those persons who, like myself, favor absolute liberty of association, and, at the same time, the separation of Church and State, are frightened and

heartsick when they see the Anti-Clericals of to-day manifest towards the Catholic Church the same feeling and conduct that the Catholics manifested formerly towards Protestants and heretics of all kinds."

While previously authorized Congregations were being treated in this way, what was happening to the others? Called upon to solicit authorization, and to give to the civil authority a list of all their members and of all their property, they grew perplexed, and a scission took place among them. The greater part, yielding to the advice of the Pope, of the majority of the Bishops and of the most liberal laymen, consented to submit to the law, and to take all steps necessary for obtaining authorization. A small number of them, notably the Jesuits and the Assumptionists, and others like them, declared that the government had set a trap for them, and that they preferred to disband of their own will; this allowed them to disperse their members, close up their charities, and dispose of their possessions without rendering an account to hostile officials. Now, it is sad to admit it, events proved that these intransigent Congregations were right. The others, those who gave themselves over, tied hand and foot, to the justice of Parliament and government, were refused the authorization they had been compelled to ask for.

This is perhaps the most scandalous part of all the story. Because of an early irregularity, and one that called forth an unavailing protest from the author of the Waldeck-Rousseau Law, the requests for authorization which should have been submitted to both Chambers, were submitted to only one; the government asked the Senate to authorize four or five unimportant Congregations, and at the same time asked the Chamber of Deputies to refuse several hundred. But there is something else still more serious; the requests should have been, according to all justice, examined one by one, and M. Combes did at first take this course; but, seeing that the Chamber wished to get on faster, and preferred to reject the applications *en bloc*, M. Combes consented, and even asked for a vote of confidence on this point. The Congregations were divided into three series: teaching, preaching and commercial. Each series was despatched at a vote, without any examination of detail, and in such fashion that the names of the greater number of the Congregations were not even mentioned in the debate. In the Chamber of Deputies one of the former Ministry, M. Leygues, who had been instrumental in get-

ting the law passed, and in the Senate the head of that same Ministry, M. Waldeck-Rousseau himself, declared that the law would never have been enacted if it had been understood in this way. I will cite his own words, which are the more positive in substance as they are moderate in expression:

“From the day when the Chamber consented to group together the requests for authorization, and to reject them *en bloc* and by categories, instead of examining them on their merits, from that moment the application of the law seemed to become more irritating; and people have been in a position to say that, on that day, the Chamber of Deputies made a law that was destructive of the former law.”

Thus, the requests for authorization of those Congregations which submitted to the law, were rejected all together; and we are face to face with this supreme injustice: they are in a far worse predicament than the Congregations which did not submit to the law. The latter, not having disclosed their membership nor their possessions, escaped, to a great extent, from administrative vexations. The former were unable to save a single one of their houses, or a single security of any kind. From the fact that their names were set forth in the requests for authorization, all the members were denounced individually, and existence became impossible for them in France.

It might be said that, as a last resort, they could have been secularized. But the government will not admit this transformation as valid, and it continues to treat them as Religious, even if they are not more than three, or two, or even one. The Religious who are priests are allowed, it is true, to accept functions from the Bishop of the diocese whence they came. But, this, if it were really practicable, would amount to nothing else than compulsory residence—a thing contrary to modern ideas of liberty. It is not, however, even practicable, since, usually, all Religious come from the same dioceses, that is to say, where Christian fervor most abounds; and in those districts there are more priests already than there is room for. Besides, this apparent resource is not one for the Brothers and Sisters; they have only to hide away like malefactors, or go into exile, or die of hunger. On the very day on which I am writing these lines (November 27th), I see in all the newspapers that, yesterday, condemnation was pronounced against two former Sisters who had given up their school, left off their costume, and taken refuge in the house of a baker, where

they gave lessons to two little girls, one the baker's daughter, and the other a neighbor's child. Another Sister, near Pont-Audemur, in Normandy, has been prosecuted for having become a cook in a school. At Lille, a Sister was prosecuted because of "having nursed sick persons gratuitously."

In vain is it that many judges (in France, judges are named by the Executive power, and depend for their advancement on it) refuse to be parties to such practices; all the just sentences they pronounce, in spite of menaces or promises, are quashed by the Court of Cassation, the supreme tribunal, which, unfortunately, as regards independence, has little similarity to the Supreme Court of the United States.

So vigorous an application of the law creates situations so extraordinary that to understand them from a distance is almost impossible. Laws cannot be pushed to this extent of violence and folly in a civilized country; the government, notwithstanding its great desire and effort, has not succeeded in obtaining complete obedience; it is exasperated at its own impotence, and constantly has recourse to new laws, to new decrees; and no one can foresee what will be the end of this venomous persecution.

I suppose the reader will now realize that the aim of the present French government is not to impose respect for the law on Congregations that are supposed to be in revolt against the law, but rather to attack and destroy them simply because they are Catholic Associations. M. Waldeck-Rousseau, who is so apt at finding expressive formulas, declared that "this is no longer to *confine* religious society within its own limits, but to *pursue* it within those very limits." That this is so, is proved by the action taken by the Senate in November against the authorized Orders. While new rules were being considered concerning the *enseignement secondaire*, the equivalent, as nearly as possible, of American High Schools and Colleges, an obscure fanatic, named Girard, proposed that this course of instruction should never be open to any teachers who profess vows of obedience and chastity. This very grave measure is aimed at all authorized Orders and the Secular Clergy. The French Premier asked for delay to enable him to consult the other Ministers; and, after a cabinet meeting, he announced that he accepted, as a principle, the dominating idea of this amendment; that he reserved the question of the Secular Clergy for treatment when the subject of the Concordat came up.

for settlement; but that he approved of excluding members of all Orders from teaching in these schools. The debate was animated and warm. M. Waldeck-Rousseau himself took an energetic part in it, and showed how odious it would be to deprive Orders that have been authorized for a long time of the right of teaching—that is to say, of fulfilling the very purpose for which authorization had been given them. All the Liberal Republicans spoke in the same strain, but in vain.

One more feature, and this already heavily charged tableau will be finished. As the last vote deprived the Orders of the right of teaching in the "*enseignement secondaire*" only, M. Combes has prepared a bill forbidding the Orders, even those which are authorized, to teach in *any institution whatever*, from the Universities down to the Grammar-Schools. This is how the matter stands at present. No one in France doubts that the Government intends going further, and a campaign is already begun in the official newspapers with the aim of preventing from teaching any who have taken vows of chastity—or, in other words, all members of the Catholic Clergy.

IV.

All this must appear very strange to the inhabitants of a free and modern country, in whose Constitution it is written: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In France, we have not yet acquired either the idea of real liberty or the truly modern spirit; we have not yet shaken off the last remaining habits of a tyrannical Past.

M. Combes and his friends, who imagine that they are the leaders of all progress, are committing again the errors of the Middle Ages. That which Philip II. did in Spain, in his making use of the Inquisition; that which Louis XIV. did in France, in revoking the Edict of Nantes and in driving out the Protestants; that which England did, in her treatment of the Pilgrim Fathers, the Anti-Clericals in France are doing to-day, in their hatred of the Religious Orders. They are placing these Orders beyond the law; they are preventing members of these Orders from living as they see fit to live, and from earning their daily bread; they are practically forcing these members to leave France, all solely because of their ideas and innermost convictions. It is the old crime of heresy reversed. Since 1789, the French state has pro-

fessed no longer to recognize religious vows, either to protect, or to attack them; and in this it does well. But how illogical is it, then, to deprive certain individuals of their civil rights, merely because they take vows which it does not recognize! How does it concern the state if young men and women take the vow of chastity before God, and lead a life in common, devoting themselves to doing good in the manner they deem best? Is it not monstrous that, in the beginning of the twentieth century, the Government of a great country should arrogate to itself the right of interfering in a matter of this kind, even that it should bring such subjects into the scope of its deliberations? Whether this vow be good or bad, is a question for one's own conscience. Let those who think it bad endeavor to turn others from it by means of persuasion; but to try to prevent it by brute force is the most retrograde course in the world.

The measure of true civilization is indicated by the degree of respect in which one person holds the rights of another; every man and woman, so long as not encroaching on the rights of others, is inviolably entitled to act, and, *a fortiori*, to think, to believe, to pray, as he or she wishes. The French Government, by preventing certain categories of citizens from assembling together, or from acting together, solely because their ideas are not its ideas, has gone backward several centuries on a capital point, and has resurrected one of the most shameful practices of the past, the misdemeanor of opinion.

I am well aware that many arguments have been used to justify the unjustifiable attitude of the Government against the Orders, but they are all based on false allegations. It has been stated, for example, that the Orders were growing too rich; but statistics prove that this is true of hardly any; while, on the other hand, it would have been sufficient (although a strange way of understanding freedom) to impose a limit upon their wealth.

It has been urged that it is dangerous to confide the education of young people to men or women who, by their vow of celibacy, are outside of family life. Now, experience proves that celibacy, without, of course, being necessary for, is on the contrary favorable to, the development of sentiments of devotion to other people's children, and especially when it proceeds from deep religious feeling. And even official statistics, of recent date, demonstrate that it is an additional guarantee in the matter of

morals; from 1894 to 1898, the average condemnations of religious teachers was 3.71 in 100,000; of lay teachers, 9.93.

It is further claimed that the Orders are a menace to the existence of the Republic. But if it is true that certain members of one or two Orders have tried to oppose the Republic (or rather, perhaps, the party to-day in power), are not the same means of defence available against them as against others? And, in any case, is that a reason for attacking a multitude of Religious of both sexes, whose lives are passed completely outside of all political preoccupation, and who often do not even know if France is a Republic or not? The exclamation of an old Trappist may be cited, who had been in his convent for forty years; when, in 1880, he was expelled by the decrees of Jules Ferry, he raised his hands to heaven, and cried out: "I never should have expected such treatment from King Louis Philippe!"

Neither the Nuns nor the Monks constitute a source of danger to the Republic. The Republic is, thank God, solidly established in France now, and, we sincerely hope, for all time. We Catholic laymen and priests of the new generation are, with very few exceptions, as much attached to it as any citizens; and we bitterly regret the mistakes of our predecessors who, by not accepting it at the very beginning, have furnished pretexts to the enemies of our religion. But there are those who, if they had their way for any considerable length of time, would end by compromising the cause of liberty and even the existence of the Republic. These are not the men who live in convents, but those who abuse the public power they wield to-day by attacking religious ideas, the foundations of duty, and the free exercise of personal convictions. If, in spite of the warnings of non-religious statesmen, like Ribot, Goblet, Waldeck-Rousseau and many others, they persevere in the baneful course they have marked out, they will surely, sooner or later, bind together the idea of Republicanism with the idea of Tyranny, and render possible the domination of a new Cæsar. All liberties are solidary; to destroy a single one, and, above all, one so supremely important as the liberty of conscience, is to shatter them all.

To-day in France, the enemies of Religion are the enemies of the Republic.

FELIX KLEIN.